

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, *et al.*,)
Plaintiffs,)
v.) Case No. 05-cv-329-GKF-SH
TYSON FOODS, INC., *et al.*,)
Defendants.)

DEFENDANTS' MOTION TO STAY FURTHER PROCEEDINGS
PENDING INTERLOCUTORY APPEAL UNDER 28 U.S.C. § 1292(b)

For the reasons set forth in the accompanying brief, Defendants respectfully ask the Court to stay further proceedings if it grants the contemporaneously filed motion to certify an interlocutory appeal under 28 U.S.C. § 1292(b). *See, e.g., Martinez v. Back Bone Bullies Ltd.*, 2022 WL 1027148, at *3 (D. Colo. Apr. 6, 2022) (certifying interlocutory appeal and staying further proceedings). Whereas a stay would not prejudice Oklahoma, forcing the parties to “simultaneously litigate” in “multiple courts” would impose “considerable hardship and inequity.” *Aikins v. Microsoft Corp.*, 2000 WL 310391, at *1 (E.D. La. Mar. 24, 2000). A stay would also conserve judicial resources, serve the interests of nonparties, and promote the public interest by avoiding needless duplication of effort and by allowing the Tenth Circuit to provide greater clarity on the path forward. A stay is thus warranted if the Court grants Defendants’ motion to certify an interlocutory appeal.

September 20, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on September 20, 2024, I caused this document to be filed with the Clerk of Court through CM/ECF, which will serve copies on all registered counsel.

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